

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 13-cr-112-01-LM

Alexander Guzman

O R D E R

The defendant was indicted on charges of conspiracy to distribute a controlled substance and distribution of a controlled substance in the Southern District of Texas. [Doc.](#) [no. 1](#). The defendant indicated that he intended to plead guilty and consented to transfer of the case to the District of New Hampshire for entry of his plea and for sentencing. [Doc. no. 8](#). However, the defendant did not enter a guilty plea and counsel for the defendant thereafter filed a motion to determine the defendant's competency to stand trial. [Doc. no. 11](#). The court granted that motion and ordered a competency evaluation.

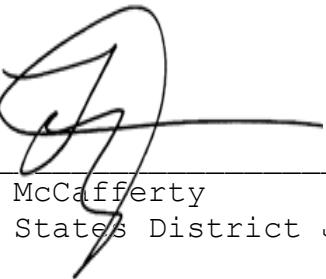
In accordance with this court's order of May 19, 2014 ([doc. no. 16](#)), a competency evaluation of the defendant has been conducted. Dr. Chad Tillbrook, a forensic psychologist at the Federal Medical Center, Devens ("FMC Devens"), performed the evaluation and drafted a report dated July 21, 2014. That report is located in the record, under seal, at document number 18.

The court reviewed Dr. Tillbrook's report and held a hearing to determine the defendant's competency. At that hearing, counsel for the government and counsel for Mr. Guzman stipulated, on the basis of Dr. Tillbrook's report, that Mr. Guzman is not presently competent to stand trial, but that there is a substantial probability that he will regain competence if he receives treatment for his mental condition.

Based upon the uncontested conclusions contained in Dr. Tillbrook's report, I find by a preponderance of evidence that the defendant is presently suffering a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Pursuant to 18 U.S.C. §§ 4241(d), the defendant is committed to the custody of the Attorney General for a reasonable period of time, not to exceed four months, to determine whether there is a substantial probability that in the foreseeable future he will obtain the capacity to permit the trial to proceed. This time can be extended by order of the court in accordance with 18 U.S.C. § 4241(d). The Attorney General shall place the defendant in a suitable facility where an examination of, and treatment for, the defendant's mental condition can be conducted.

The director of the facility in which the defendant is hospitalized shall file periodic reports, no less frequently than every 60 days, starting from the date of this order, as to the defendant's mental status and any progress or lack thereof in the treatment being provided to him to render him mentally competent to stand trial.

SO ORDERED.



Landya McCafferty
United States District Judge

Date: September 10, 2014

cc: Paul J. Garrity, Esq.
John J. Farley, Esq.
United States Marshal
United States Probation